

Reply to October 3, 2003 Office Action
Applicant : Hendrik Sibolt van Damme, et al.
Serial No. : 09/845,198
Filed : May 1, 2001
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Remarks

Claims 17-31 were examined and stand rejected in the current Office Action. With this Reply, claims 17-28 are cancelled, claims 29-31 are amended, and claims 32-48 are added, to more particularly point out and distinctly claim the invention. The specification is amended to provide priority information as required under 35 U.S.C. 120.

Objection to the Specification

The specification is objected to for not providing a recitation of priority information on page 1. Applicants request withdrawal of this objection because the specification amendment entered herewith is believed to provide the required information under 35 U.S.C. 120.

Rejections under 35 U.S.C. 112, second paragraph

Claims 17-31 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for aspects of claims 17, 21, 22 and 27 that are asserted to render those claims vague. Applicants request withdrawal of these rejections because claims 17, 21, 22 and 27 are no longer pending, and the current claims do not have any of the aspects alleged to be vague.

Rejections for Double Patenting

Claims 17-20 and 26-31 stand rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-4 and 10-15 of U.S. Patent 6,225,131 ("the '131 patent"). Applicants respectfully request reconsideration and withdrawal of this rejection based on

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the claim amendments and the following discussion. In the claim amendments, claims 17-28 are cancelled, and amended claims 29-31, as well as new claims 32-48, do not claim the same invention as any claims of the '131 patent.

Claims 17-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over (a) claims 1-16 of Application No. 09/843,929, and (b) claims 1-37 of copending Application No. 09/997,213. Applicants respectfully request reconsideration and withdrawal of these rejections based on the claim amendments and the following discussion.

Applicants first note that Application No. 09/843,929 has now issued as U.S. Patent 6,635,493 ("the '493 patent"), having 10 claims. Applicants also assert that the current claims as amended do not have the same limitations as in the '493 patent. For example, the instant claims do not require the substrate to be an electrochemically manufactured metal oxide membrane, as required in the claims of the '493 patent.

In copending Application No. 09/997,213 ("the '213 application"), the currently pending claims are claims 1-11, 18-21 and 31-36. Those claims are all directed to devices or kits, whereas the instant claims are all method claims. Based on those distinctions, applicants assert that the claims of the '213 application do not have the same, or even similar, limitations as the instant claims 29-48.

Conclusions

Based on the claim amendments and the above discussion, applicants respectfully request withdrawal of all rejections and objections and passage of the claims to issuance. If there are any minor matters that prevent this, applicants request that Examiner Chin contact the undersigned attorney.

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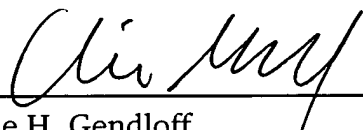
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Applicants also believe that the \$110 submitted herewith is sufficient to maintain pendency of this application. However, if additional fees are required to maintain pendency, the Patent Office is hereby authorized to charge Deposit Account 01-1785.

Respectfully submitted,

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